



06-03-04

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7041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Frank A. Howell **GROUP:** Unknown
SERIAL NO: 10/736,881 **EXAMINER:** Unknown
FILED: December 16, 2003
FOR: BREAKWAY BUCKLE

Mail Stop Petitions
Commissioner of Patents
P.O. Box 1452
Alexandria, VA. 22313-1450

PETITION REGARDING NOTICE OF OMITTED ITEMS

Applicant respectfully contends that the items listed on the Notice of Omitted Items mailed May 18, 2004 (a copy of which is attached) were in fact deposited in the U.S. Patent and Trademark Office with the nonprovisional application papers filed on December 16, 2003. Specifically, the six sheets comprising Figs. 1-7 were included in the application as filed.

Applicant submits herewith evidence to corroborate the above statements. Included are true copies of certain of the application papers as filed on December 16, 2003, including the specification (7 pages), claims (3 pages), drawings (6 pages), abstract (1 page), coversheet (1 page), application transmittal form (3 pages), and the declaration and power of attorney (2 page).

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV383580697US addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date:

6/2/2004

Dawn Grimes

06/04/2004 SSESHE1 00000057 10736881

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Also included is a true copy of the return receipt postcard bearing the PTO's stamp evidencing receipt of there documents on December 16, 2003.

Accordingly, Applicant contends that the six sheets comprising Figs. 1-7 were included in the application papers filed on December 16, 2003, and that these drawings were received by the PTO on December 16, 2003.

A check for the petition fee of \$130.00 is also enclosed. Applicant requests a refund of the petition fee if the December 16, 2003 filing date is properly accepted. Authorization is hereby given to Charge Deposit Order Account No. 19-0079 for any additional fee that may be required in connection with this petition.

Applicants respectfully request, therefore, that the filing date for the above referenced patent application, including Figs. 1-7, be accepted as December 16, 2003.

Respectfully submitted,

Maurice E. Gauthier

Registration No. 24,798

Samuels, Gauthier & Stevens

225 Franklin Street, Suite 3300

Boston, Massachusetts 02110

Telephone: (617) 426-9180

Extension 113



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Mailed on December 16, 2003
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DOWNEAST-7041(CIP)

Enclosed please find the following:
1) New U.S. Patent Application for:

BREAKAWAY BUCKLE

Pgs: 18 / Specs.: 7, Claims: 3 / Dwg.: 6 / Abstract: 1 / Coversheet:

Inventor: Frank A. Howell

2) New Application Transmittal


3) Declaration and Power of Attorney

4) A Check in the amount of \$385.00

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SECURITY FEATURES INCLUDED. DETAILS ON BACK.

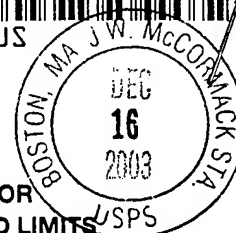
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NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of:

Inventor(s): Frank A. Howell

For (title): BREAKAWAY BUCKLE

1. **Type of Application**

- ☒ Utility
☐ Design

2. **Small Entity**

- ☒ Yes
☐ No

3. **Benefit of Prior U.S. Application(s) Under 35 U.S.C. §120**

This application is a:

- ☐ Divisional
☐ Continuation
☐ Continuing Patent Application (CPA)
☒ Continuation-in-part (CIP),

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and hereby claims benefit under 35 U.S.C. §120 to the following applications:

SERIAL NUMBER	FILING DATE
10/103,264	March 21, 2002

-4. **Benefit of Non-U.S. Application Under 35 U.S.C. §119(a)-(d)**

This application claims priority under 35 U.S.C. §119(a)-(d) to the following foreign application(s) and/or inventor certificate(s):

COUNTRY	APPLN. NUMBER	FILING DATE
None		

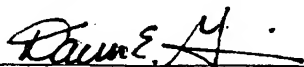
Certified copy(ies) of the application(s) and/or inventor certificate's from which priority is claimed:

- ☐ is(are) attached;
☐ will follow.

EL814196471US

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. §1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on December 16, 2003 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL814196471US addressed to the: Commissioner for Patents, Alexandria, VA 22313-1450.


Dawn E. Grimes



5. **Benefit of Provisional Application Under 35 U.S.C. §119(e)**

This application claims priority to the following provisional application(s):

SERIAL NUMBER	FILING DATE
None	

6. **Papers Enclosed Which Are Required For Filing Date Under 37 C.F.R. §1.53**

12 Pages of Specification, including claims and abstract

6 Sheets of Drawings

7. **Additional Papers Enclosed**

- ☒ Declaration and Power of Attorney
☐ Preliminary Amendment
☐ Information Disclosure Statement (37 CFR 1.98), Form PTO-1449 and a copy of each cited reference
☐ Assignment and Form PTO-1595
☐ Declaration of Biological Deposit
☐ Submission of "Sequence Listing" computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequences.
☐ Other _____

8. **Application Filing Fee Calculation**

A. ☒ Utility Application

FEE CALCULATION:

Total Claims: 10 - 20 = × \$18 = \$0

Independent Claims: 1 - 3 = × \$84 = \$0

Basic Fee:\$770.00

Multiple-Dependent-Claim Fee :\$280.00

Total of the Above Calculations: \$770.00

- ☐ Amendment canceling extra claims enclosed.
☐ Amendment deleting multiple dependencies enclosed.
☐ Fee for extra claims is not being paid at this time.

B. ☐ Design application - \$330 \$0

Application Filing Fee Sub-Total \$0

C. ☒ Less 50% reduction for small entity..... \$385.00

D. ☐ Non-English Specification - \$130..... \$0

TOTAL FILING FEE \$385.00

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9.

Payment



Enclosed



Check in the amount of the Total Filing Fee set forth above.



Charge Account No. 19-0079 in the amount of Total Filing Fee set forth above. A duplicate of this transmittal is attached.



Not Enclosed

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 and 1.17 that may be required by this paper or any paper filed in connection with this Patent Application, or refund any overpayment to our Deposit Order Account No. 19-0079.

Respectfully submitted,

Maurice E. Gauthier

Reg. No. 20,798

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